

Parliamentary Elections Act

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| Introduction and Title | <p>1. (a) This Act deals with the election of members to the Parliament as stipulated in the Constitution, and lays down the procedures and other matters relating to the aforesaid election.</p> <p>(b) This Act shall be cited as “The Parliamentary Elections Act”.</p> |
| Parliamentary Elections | <p>2. (a) The election of members to the Parliament as stipulated in the Constitution shall be referred to as the Parliamentary elections. For the purpose of this Act, where a seat for an electoral constituency becomes vacant in a manner other than the expiry of the tenure of the Parliament, the by-election for the election of a member to that seat shall also be included within the general definition of Parliamentary elections.</p> <p>(b) The special procedures and other matters stipulated in this Act in relation to the Parliamentary elections shall be enforced as stipulated in this Act and the regulations made under this Act. Procedures and other matters which have not been specified, or unless stated otherwise in this Act, shall be governed under Act Number 11/2008 (General Elections Act).</p> |
| Electors and the Register of Electors | <p>3. Persons entitled to vote in the Parliamentary elections are those persons specified in Act Number 11/2008 (General Elections Act). The compilation of the Register of Electors and its public notification for the Parliamentary election shall be carried out in accordance with Act Number 11/2008 (General Elections Act).</p> |
| Composition of the Parliament | <p>4. Only 1 (one) member shall be elected for each electoral constituency established by the Elections Commission in accordance with Act Number 1/2009 (Electoral Constituencies Act) in each administrative division of the Maldives.</p> |
| Public Announcement to Invite | <p>5. (a) Within a maximum period of 10 (ten) days from the commencement of the last 120 (one hundred and twenty) days of the tenure of the</p> |

Candidature for
the
Parliamentary
Election

incumbent Parliament as stipulated in the Constitution, the Elections Commission shall publicly announce the invitation to submit candidature of persons interested in standing for Parliament.

- (b) In the event of a vacancy amongst the members of Parliament, in order to hold the by-election for that seat, within a maximum period of 5 (five) days from the date of the vacancy of that seat, the Elections Commission shall publicly announce the invitation to submit candidature of persons interested in contesting for that seat.
- (c) The Elections Commission shall include the information specified in section 13(b) of Act Number 11/2008 (General Elections Act) in the public announcement stipulated in subsections (a) and (b) above.
- (d) In the public announcement referred to in subsections (a) and (b) above, the Elections Commission must grant a period of at least 14 (fourteen) days for persons interested in standing for Parliament to submit their applications.

Changing
Electoral
Constituencies
and Not
Contesting For
More Than One
Electoral
Constituency

- 6. (a) In a Parliamentary election, a person shall not contest for more than one electoral constituency.
- (b) In a Parliamentary election, an applicant for one electoral constituency may revoke his application for that constituency and resubmit an application for another constituency within the period granted by the Elections Commission to submit applications.

Election Date

- 7. In the public announcement made by the Elections Commission stipulated in section 5(a) or (b) of this Act, the date of the Parliamentary elections shall be a date exceeding at least 30 (thirty) days from the date that the Elections Commission publicly announces the names of the candidates, pursuant to section 11 of this Act.

Qualifications
of Applicants
for the
Parliamentary
Elections

- 8. (a) A person contesting in a Parliamentary election shall be so qualified if he:
 - (1) is a citizen of the Maldives;
 - (2) is not a citizen of another country;

(3) is a Muslim and a follower of a Sunni school of Islam;

(4) has attained the age of 18 (eighteen) years; and

(5) is of sound mind.

(b) A person who has acquired Maldivian citizenship is qualified to contest in the Parliamentary elections 5 (five) years after the acquisition of his citizenship, and is domiciled in the Maldives.

(c) A person shall be disqualified from contesting in the Parliamentary elections if he:

(1) has a decreed debt which is not being paid as provided in the judgment;

(2) has been convicted of a criminal offence and is serving a sentence of more than 12 (twelve) months;

(3) has been convicted of a criminal offence and has served a sentence of more than 12 (twelve) months, and a period of 3 (three) years have not elapsed since his release or pardon for the offence for which he was sentenced; and

(4) is a member of the Judiciary.

Applying for the
Parliamentary
Elections

9. (a) Once the public announcement referred to in section 5(a) or (b) has been made by the Elections Commission, persons wishing to stand in the Parliamentary elections shall submit to the Elections Commission all the documents required to stand in the aforesaid elections.

(b) A person wishing to stand for the Parliamentary election shall also include the information required in section 16(b) of Act Number 11/2008 (General Elections Act) when submitting his application.

Additional
Submissions

10. (a) In addition to submitting the information required in section 9 of this Act, the applicant shall also submit the materials required in section 17 of Act Number 11/2008 (General Elections Act) to the Elections Commission.

(b) Candidates for the Parliamentary elections shall pay a deposit of

Ruffiya 5,000.00 (five thousand).

- (c) Independent candidates in a Parliamentary election who are not standing on behalf of a political party shall, in addition to the materials stipulated in subsections (a) and (b), submit a statement signed by at least 50 (fifty) adults aged 18 and above from the electoral constituency that the person is applying to contest in, showing their support for that person. The full name, identity card number, permanent address and signature of the signatories should be included in this statement. The signatories must not be signatories of another candidate for that electoral constituency.

Announcing the
Candidates for
the
Parliamentary
Elections

- 11.** Within a maximum period of 14 (fourteen) days from the date specified as the closing date for submission of applications to stand for the Parliamentary elections in the public announcement made by the Elections Commission pursuant to Section 5(a) or (b) of this Act, the Elections Commission shall publicly announce the information specified in section 14 (a) of Act Number 11/2008 (General Elections Act), and ensure that such information is displayed in an easily accessible manner at the office of the Elections Commission and in all the inhabited islands. The Elections Commission shall also publish the information on its website.

Public
Notification of
the
Parliamentary
Elections, and
General
Procedures
Relating to
Candidates

- 12.** With the exception of the matters specified in sections 5, 6, 7, 8, 9, 10 and 11 of this Act, the announcement of the elections and general rules pertaining to the candidates in the Parliamentary elections shall be dealt with, in accordance with those general rules specified in Act Number 11/2008 (General Elections Act).

Void Votes

- 13.** In addition to the ballots referred to in section 56 (a) of Act Number 11/2008 (General Elections Act), a ballot which has ticks marked for more than one candidate shall also be deemed void in the Parliamentary Elections.

Timeframe for
the Publication
of the Official
Results in the
Gazette

- 14.** Within a maximum period of 7 (seven) days from the date that the Parliamentary election takes place, the Elections Commission shall publicly announce and publish in the Government Gazette the official results for that election.

- Matters to be Governed under the General Elections Act
- 15.** With the exception of the matters specified in section 13 of this Act, campaigning, preparations for voting, voting, counting ballots and declaring results, complaints relating to the election, financial matters and election offences and penalties shall be governed by the provisions pertaining to those in Act Number 11/2008 (General Elections Act).
- Manner of Electing a Member of Parliament
- 16.** (a) In the Parliamentary elections, in every electoral constituency, a candidate is deemed to be elected as a member if he has obtained the majority number of votes in that constituency.
- (b) When announcing the official results of the Parliamentary Elections, the Elections Commission shall also announce that the candidate with the majority number of votes in a given electoral constituency is deemed to have been elected as the member of Parliament for that particular constituency.
- Run-off Election for an Electoral Constituency
- 17.** (a) In the Parliamentary elections, if in any electoral constituency, more than one candidate got the majority number of votes in that constituency, within a maximum period of 15 (fifteen) days from the date that the official results for that election has been announced, a run-off election shall be held for that constituency between the candidates who got the majority votes. Run-off elections shall continue to be held until a member of Parliament has been elected for that electoral constituency in accordance with this Act.
- (b) In the run-off election for an electoral constituency as stipulated in subsection (a), the Elections Commission shall announce that the candidate with the majority number of votes in that election is deemed to have been elected as the member of Parliament for that electoral constituency.
- Matters to be Governed in Accordance with this Act in a Run-off Election for an Electoral Constituency
- 18.** In a run-off election for an electoral constituency, campaigning, preparations for voting, voting, counting ballots and declaring results, complaints relating to the election, financial matters and election offences and penalties shall also be governed in the manner specified under this Act.
- One Qualifying Candidate Standing for an Electoral Constituency
- 19.** In a Parliamentary election, upon the expiry of the timeframe to submit applications, if there was only one applicant who qualified to be a candidate in a given electoral constituency, the Elections Commission shall publicly announce the election of that candidate as the member of

Parliament for that constituency.

Guaranteeing a Secret Ballot

- 20.** (a) The Elections Commission shall have the discretion to take measures to ensure a secret ballot in circumstances where the secrecy is at risk if a person is required to cast his vote in a particular ballot box. However, even in circumstances where special measures are taken to ensure a secret ballot, the counting of ballots and the declaration of results shall take place in that polling station.
- (b) The measures determined by the Elections Commission under subsection (a), shall be specified in the regulation stipulated in section 22(a) of this Act.

The Public Announcement to Invite Candidature for the Parliamentary Election to be Held in the Transitional Phase

- 21.** Within a maximum period of 10 (ten) days from the date that the final report on determining electoral constituencies is published for the Parliamentary election that is to take place in the transitional phase as specified in the Constitution in the Electoral Constituencies Act, the Elections Commission shall publicly announce the invitation to submit candidature of persons interested in standing for that election. Prior to the Elections Commission making the aforesaid public announcement, the Elections Commission shall make regulations, if any, under section 22 (a) of this Act, and publicly announce them.

Regulations and Administration

- 22.** (a) The Elections Commission shall make and administer the regulations required for the administration of this Act. The Elections Commission shall make and announce the regulations within 7 (seven) days from the date that this Act comes into force.
- (b) The Elections Commission shall ensure that all the regulations made by the Elections Commission are easily accessible to any persons interested in obtaining them.
- (c) Subsection (a) does not derogate the right of the Elections Commission to make any amendments to the regulations made under subsection (a), or to make any new regulations as may be determined by the Elections Commission after the expiry of the timeframe specified therein. However, no additional regulations shall be made, or any amendments to an existing regulation shall be made, between the time that the Elections Commission announces the invitation to submit candidature of persons, and the time that the Elections Commission announces the official results of that election.

Commencement of this Act

- 23.** This Act shall come into force upon its approval and ratification, and on

the date that it is published in the Government Gazette.

- Interpretation **24.** (a) Unless expressly stated otherwise in this Act;
“Elections Commission” shall mean the Elections Commission appointed pursuant to the Constitution of the Maldives.
- “Parliamentary Election” shall mean as stipulated in section 2 (a) of this Act.
- “By-election” shall mean an election held to elect a member for an electoral constituency, where the Parliamentary seat for that constituency becomes vacant in a manner other than the expiry of the tenure of the Parliament.
- “Administrative division” shall mean the twenty atolls considered as the atolls of the Maldives plus Male’, for a total of twenty one divisions. Details of the administrative divisions are laid down in Schedule 2 of the Constitution.
- “Electoral constituency” shall mean, for the purpose of having the Parliamentary elections, the boundaries determined by the Elections Commission in every administrative division as separate electoral constituencies as stipulated in Act No 1/2009 (Electoral Constituencies Act).
- (b) The timeframes for fulfilling the obligations under this Act and the submission of materials shall be inclusive of Government holidays.
- (c) Unless otherwise stated in this Act or the context requires otherwise, words denoting the singular shall include the plural and vice versa.
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